



Order Filed on April 12, 2018 by
Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Chapter 13

Case No.: 17-27294

Judge: JNP

In Re:

Brian J. Russick,

Debtor.

ORDER APPROVING MORTGAGE MODIFICATION

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: April 12, 2018

A handwritten signature in dark ink, appearing to read "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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Debtor: Brian J. Russick

Case No.: 17-27294 (JNP)

Caption: Order Granting Motion to Approve Permanent Loan Modification with Ditech Financial LLC

AND NOW, this ____ day of _____, 2018, upon consideration of the Debtor's Motion to Approve Permanent Loan Modification with Creditor Ditech Financial, LLC and a hearing having been held, it is hereby ORDERED as follows:

1. The Mortgage Modification Agreement between the Debtor and Ditech Financial, LLC, as to loan number xxxxxxxx3707, on a home mortgage on 321 Center Ave., Runnemede, NJ 08078, is **Approved** on the terms and subject to the conditions contained in the attached "Exhibit A", which was made part of the moving papers.
2. The mortgage lender may proceed with all steps necessary to consummate and complete that modification agreement, and to issue bills, statements or other notices in accordance therewith, without violating the automatic stay under 11 U.S.C. 362.
3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Ditech Financial, LLC shall amend the arrearage portion of its proof of claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.
4. The Chapter 13 Trustee shall suspend disbursements to Ditech Financial, LLC pending completion of loan modification and all money that would otherwise be paid to Ditech Financial, LLC be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by Ditech Financial, LLC that the modification was not consummated.

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Debtor: Brian J. Russick

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Ditech Financial LLC

5. In the event the modification is not consummated, Ditech Financial, LLC shall notify the Trustee and debtors' attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to Ditech Financial, LLC.

6. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to creditors in accordance with the provisions of the confirmed plan.

7. Communication and/or negotiations between the Debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.

8. The Debtor shall file an amended Chapter 13 plan and amended schedule J as required within twenty (20) days of the entry of this Order reflecting the terms of the Loan Modification Agreement.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Brian J. Russick
Debtor

Case No. 17-27294-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2018.

db +Brian J. Russick, 321 Center Ave., Runnemede, NJ 08078-1535

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Thomas G. Egner on behalf of Debtor Brian J. Russick tegner@mpadlaw.com,
kgresh@mcdowelllegal.com;djamison@mcdowelllegal.com;lwood@mcdowelllegal.com;cgetz@mcdowelllegal.c
om;mfunk@mcdowelllegal.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5